

United States Government
Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, SW
Washington, D.C. 20554

OFFICIAL

NOTICE OF INFORMAL COMPLAINT

June 13, 2009

In Reply Refer To: 09-C00123077-FC
Mediacom & KOMU-TV (Benfield)

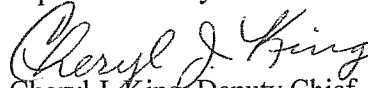
THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 15 DAYS OF THE DATE OF THIS NOTICE.

Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1.2 million for certain types of violations.

The attached complaint was filed with the Commission pursuant to Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint should be sent to each consumer Complainant as soon as your company receives this Notice. Pursuant to Sections 713 and 4(i) of the Act, 47 U.S.C. §§ 613, 154(i), and Section 79.1(g) of the Commission's Rules, 47 C.F.R. § 79.1(g), we are forwarding a copy of the complaint so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in each complaint and summarize the actions taken by your company to satisfy the complaint.

Your response should include: (1) the Complainant's name, and (2) the Case number. For hand deliveries, the Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m., Monday-Friday. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

Due to heightened security measures undertaken in Washington, D.C., and at this agency, you should also send an electronic copy of the response letter to Cheryl.King@fcc.gov. Companies are directed to send copies of their responses to consumers at the same time their responses are forwarded to the Commission. Each company required to respond to this Notice is directed to retain all records until final Commission disposition of the complaints. If you have any questions regarding this Notice, please call or email Francine Crawford at (202) 418-2085 or Francine.crawford@fcc.gov, and leave a detailed message specifying the calling company name, the Case number, and the specific questions that you would like to have answered.


Cheryl J. King, Deputy Chief
Disability Rights Office/CGB

Attachment(s)
K:613/79.1



FOR FCC INTERNAL USE ONLY

Admin 2000

francine.crawford [ADMIN] Logout

HOME SERVE SEARCH NEW COMPLAINT ASSIGN ADMIN HELP

Basic Search Advanced Search

[« Back to Complaints](#)

Form 2000C: 09-C00123077-1

USER FORM

User Form
Admin Comments
Serve Review
Serve Process
File Attachments
Letters
Show All
Sub Complaints(0)
Print Form

[ConsumerParty History](#) [Consumer History](#) [Form History](#) [Edit Form](#)

User Complaint Number: 09-C00123077

User Complaint Key: 09-C00123077-1

Complaint Source: Web

Added User: Consumer

CONSUMER'S INFORMATION

First Name: Judy

Last Name: Benfield

Company Name:
(Complete only if you are filing this complaint on behalf of a company or an organization.)

Street Address or Post Office Box Number: 5509 Arrowwood Drive

City: Columbia State: MO

Zip Code: 65202

Telephone Number(Residential or Business): (573) 303-5550 Ext:

E-mail Address: gmajabparis@gmail.com

Are you filing information on behalf of another party, such as client, parent, spouse or roommate? No
If yes, complete items a through h.

Your relationship with the party:

The party's first name:

The party's last name:

party_daytime_phpne () - Ext:

The party's street address or post office box number:

City: State: Zip Code:

E-mail Address:

Fax Number: () -

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant:

- ☐ Letter ☐ Facsimile (fax) ☐ Telephone Voice
☐ TRS (designate form of TRS and appropriate contact information)
☐ TTY ☐ Internet E-mail ☐ ASCII Text ☐ Audio-Cassette Recording ☐ Braille

FORM 2000C:

1. Check the appropriate box for your type of complaint:

- ☐ Telecommunications Relay Service (TRS) (i.e., TTY-based, IP Relay, CapTel, IP CapTel, Speech-to-Speech, Video Relay Service (VRS))

- ☐ Accessibility of emergency information on television

- ☒ **Closed Captioning (absence, quality or pass through High Definition (HD) programs)**

NOTE: If your complaint is about closed captioning only, you must first contact the station or video programming distributor. For additional information, see <http://www.fcc.gov/cgb/consumerfacts/closedcaption.html>

- ☐ Wireless telephone equipment or service (includes hearing aid compatibility and other accessibility issues)

- ☐ Wire line telephone equipment or service (includes hearing aid compatibility and other accessibility issues)

2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:

Name:

City: State: Zip Code:

Telephone number: () -

3. If your complaint is about accessibility of telecommunications services or equipment, provide the make and model number of the equipment or device that this complaint is about:

4. If your complaint is about closed captioning or emergency information on television,

provide the date (mm/dd/yyyy) Time: and any details of when the event or action you are complaining about occurred:

5. If your complaint is about access to emergency information on television, provide the following information:

a. Television station call sign (e.g., "WZUE-TV"):

b. Station channel (e.g., "13"):

c. Station location: City: State:

d. Date(s) and time(s) of emergency: Time:

Detailed description of the emergency (i.e., flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred):

6. If your complaint is about closed captioning, provide the following:
- Station call sign (e.g., "KDID," "WZUF," "KDIU-FM," "WZUE-TV"): **Mediacom**
 - Station frequency (e.g., "1020" or "88.5"); or channel (e.g., "13"): **Channel 7**
 - Station location: City: **Columbia** State: **MO**
 - Name of program(s) involved: **Access Hollywood**

Note: If your complaint is about closed captioning only, you must first contact the station or video programming distributor. For additional information, see <http://www.fcc.gov/cgb/consumerfacts/closedcaption.html>.

7. Briefly describe your complaint and include the resolution you are seeking. If applicable, provide a full description of the telecommunications equipment or customer premises premises equipment (CPE) and/or the telecommunications service about which the complaint is made, and the date or dates on which the complaint either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the complaint is being made. This program hasn't been captioned since February. I emailed Access Hollywood, Local KOMU 8, and then Mediacom. Access Hollywood said it is local station's responsibility, then I contacted KOMU, they told me it was Mediacom cable company so I emailed them, and they replied once. They said they will work with local cable company and I haven't received any reply or even notice the program has captioned on. It is still not showing captions. I told them our TV is working just fine, and our caption is working just fine. I haven't seen any progress on their part to fix the rebroadcasting issue since February. Thank you, Judy



2300 N Street, N.W.
Washington, D.C. 20037-1128

DUPLICATE

Tel 202.663.8000
Fax 202.663.8007
www.pillsburylaw.com

FILED/ACCEPTED

JUN 29 2009

Federal Communications Commission
Office of the Secretary

CHRISTINE A. REILLY
202-663-8245

CHRISTINE.REILLY@PILLSBURYLAW.COM

June 29, 2009

By Hand Delivery

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Room TW-A325
Washington, DC 20554

Re: Request for Extension of Time
Ref: 09-C00123077-FCC
Mediacom & KOMU-TV (Benfield)
Station KOMU-TV, Columbia, Missouri (FIN: 65583)

Dear Ms. Dortch,

Pursuant to Section 1.46 of the Commission's Rules, The Curators of the University of Missouri ("the University"), licensee of station KOMU-TV, Columbia, Missouri ("KOMU-TV"), hereby respectfully request an extension of time to and including July 29, 2009 in which to respond to the Notice of Informal Complaint. A response to the Notice is currently due by June 29, 2009.

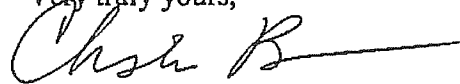
The Notice relates to the above-referenced complaint filed by Mrs. Judy Benfield who alleges that KOMU-TV did not air the required closed captioning during the station's February 18, 2009 broadcast of the "Access Hollywood" program. Ms. Benfield did not file her complaint with the FCC until June 13, 2009, long after the broadcast in question. She apparently also filed a complaint against Mediacom which transmitted the station's signal. Given the staleness of the claim, the technical issues involved, and that another party is the subject of a complaint dealing with the same broadcast, additional time is necessary for the University's representatives to complete their fact finding to insure a fully responsive reply to the Notice.

The University respectfully requests that the Commission grant this request for an extension of time to file its response to and including July 29, 2009.

Ms. Marlene H. Dortch, Secretary
June 29, 2009
Page 2

If there are any questions concerning this matter, please communicate with the undersigned.

Very truly yours,



Christine A. Reilly

533375-0000008

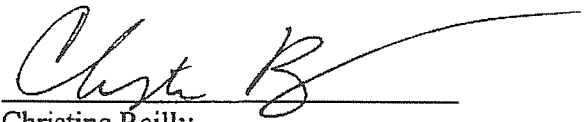
CERTIFICATE OF SERVICE

I, Christine Reilly, hereby certify that on June 29, 2009, I caused a copy of the foregoing Request for Extension of Time to be delivered by first-class mail, postage prepaid delivery upon the following:

**Mrs. Judy Benfield
5509 Arrowwood Drive
Columbia, MO 65202**

**Ms. Cheryl King*
Deputy Chief, Disability Rights Office
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554**

*** Hand delivered**


Christine Reilly

Garrett, Matthew C.

From: Francine Crawford [Francine.Crawford@fcc.gov]
Sent: Wednesday, July 01, 2009 12:55 PM
To: Reilly, Christine A.
Cc: Cheryl King
Subject: RE: follow up : KOMU - Request for Extension of Time to Respond - 09-C00123077-FCC

Ms. Reilly,

Per our conversation this morning, an extension for the time to respond to the referenced informal complaint is granted until July 13, 2009.

Francine Crawford
FCC/CGB/DRO
202-418-2085

-----Original Message-----

From: Reilly, Christine A. [<mailto:christine.reilly@pillsburylaw.com>]
Sent: Wednesday, July 01, 2009 1:07 PM
To: Francine Crawford
Cc: Reilly, Christine A.; Zaragoza, Richard R.
Subject: follow up : KOMU - Request for Extension of Time to Respond - 09-C00123077-FCC

Ms. Crawford,

As a follow up to our conversation, I would like to supplement the KOMU Request for Extension of Time to Respond to Judy Benfield's Informal Complaint, Ref: 09-C00123077-FCC to include that due to the abbreviated response time (15 days), we are having some difficulty coordinating with all of the University's station staff we believe necessary to finalize a response. Accordingly, we seek an extension of time to, and including, July 13, 2009. We appreciate your consideration on this matter.

Please let us know if you have any questions regarding this e-mail.

My best,
Christine
202-663-8245

Christine Reilly | Pillsbury Winthrop Shaw Pittman LLP

Tel: 202.663.8245 Fax: 202.663.8007 | 2300 N Street, NW | Washington, DC 20037-1122

Email: christine.reilly@pillsburylaw.com
Bio: www.pillsburylaw.com/christine.reilly.com
www.pillsburylaw.com <<http://www.pillsburylaw.com/>>

From: Reilly, Christine A.
Sent: Tuesday, June 30, 2009 3:32 PM

To: Francine.Crawford@fcc.gov
Cc: Reilly, Christine A.; Zaragoza, Richard R.
Subject: KOMU - Request for Extension of Time to Respond -
09-C00123077-FCC

Good Afternoon Ms. Crawford,

As a follow up to your conversation with Matt Garrett, attached is a courtesy copy of the KOMU Request for Extension of Time to Respond. Please let me know if you have any questions.

Thank you,
Christine
202-663-8245

Christine Reilly | Pillsbury Winthrop Shaw Pittman LLP

Tel: 202.663.8245 Fax: 202.663.8007 |
2300 N Street, NW | Washington, DC 20037-1122

Email: christine.reilly@pillsburylaw.com
Bio: www.pillsburylaw.com/christine.reilly.com
www.pillsburylaw.com <<http://www.pillsburylaw.com>>



5550 Hwy. 63 S.
COLUMBIA, MO 65201
573-882-8888
FAX: 573-884-8888
KOMU.COM
Coverage You Can Count On

RECEIPT COPY

July 10, 2009

Cheryl J. King
Deputy Chief
Disability Rights Office
Consumer & Government Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RECEIVED - FCC
JUL 13 2009
Federal Communications Commission
Bureau / Office

Re: Official Notice of Informal Complaint
09-C00123077-FC
Mediacom & KOMU-TV (Benfield)

Dear Ms. King,

On behalf of The Curators of the University of Missouri, the licensee of television broadcast station KOMU-TV (Channel 8), Columbia, Missouri, this is to timely respond to your Office's "Official Notice of Informal Complaint" referenced above.

We appreciate Judy Benfield's loyal viewership, her concern, her understanding and her patience. We also appreciate the opportunity to respond to the Commission's Notice.

The University is pleased to say that with the DTV transition behind us, many technical issues relating to the DTV conversion are also now behind us. One of those issues relates to the captioning contained in "Access Hollywood" about which Ms. Benfield has complained.

While I am not an engineer, I will do my best to explain what happened. The program "Access Hollywood" is produced in standard definition ("SD") with closed captioning. The program is sent to KOMU-TV via satellite download. When KOMU-TV was broadcasting in the analog mode, the program could be viewed over-the-air with captioning. I believe that Ms. Benfield generally watches KOMU-TV over Mediacom's system which, until earlier this year, used the station's analog signal, rather than its digital signal to retransmit the station's programming with the captions onto its subscribers.

As we later learned, an unforeseen captioning-related problem arose when Mediacom stopped relying upon KOMU-TV's analog signal to feed their system and, instead, switched to KOMU-TV's digital signal in February 2009. That decision by Mediacom required the station to upconvert the SD formatted "Access Hollywood" programs and play them back in a high definition ("HD") format for retransmission over Mediacom's system. As a result of that complicated process the original SD captioning became lost or left behind for some technical reason, as we later learned. Consequently, Ms. Benfield was unable to view the closed captioning that was contained in "Access Hollywood."

As a result of this problem, the station's engineer determined that the software provided to KOMU-TV by its video server manufacturer was unable to upconvert SD captioning to HD captioning and thus did not pass it through. This software limitation was not foreseen by KOMU-TV at the time of the product's purchase and implementation. KOMU-TV has made the vendor aware that its

software needs to be upgraded and we understand that the vendor is working to supply a permanent software solution at their earliest opportunity.

In the interim, KOMU-TV has implemented a solution by reconfiguring the SD server channels to HD. That reconfiguration allows SD closed captioning to successfully pass through to all viewers. This solution has solved the former "closed captioning" problem cited by Ms. Benfield.

Admittedly, I must apologize for KOMU-TV not discovering the cause of the problem sooner than we did. KOMU-TV and its staff had been so consumed with readying itself to flash-cut from analog to digital on Channel 8, first under the aborted February 17 DTV transition deadline and then on June 12, that the "dropped" captioning problem was not solved until shortly after the DTV transition. I also want to apologize to Ms. Benfield and to thank her again for her understanding and patience.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marty Siddall".

Marty Siddall
General Manager
KOMU 8 & Mid Missouri's CW

Cc Judy Benfield